

FCC MAIL SECTION
Before the
Federal Communications Commission
Washington, D.C. 20554
DEC 14 3 18 PM '93

PR Docket No. 93-324

In the Matter of

Amendment of Parts 80,
87 and 94 of the Commission's
Rules Governing the Private
Radio Services.

REPORT AND ORDER

Adopted: November 19, 1993; Released: December 14, 1993

By the Commission:

I. INTRODUCTION

1. This *Report and Order* amends Parts 80, 87 and 94 of the Commission's Rules to extend the terms of ship and aircraft station licenses from five years to ten years and to eliminate certain record keeping requirements in the Private Operational Fixed Microwave Service. The new rules will save the public time and money in the licensing process and reduce the regulatory burden on these fixed microwave licensees.

II. BACKGROUND/DISCUSSION

2. The Commission's Rules provide that licenses for stations in the Maritime and Aviation Services will normally be granted for terms of five years from the date of issuance, major modification, or renewal.¹ The Communications Act of 1934, as amended (Communications Act), however, permits license terms of up to ten years.² The Commission's Rules also require licensees of stations in the Private Operational Fixed Microwave Service to measure the carrier frequency, power delivered by the transmitter to the antenna, and effective radiated power (ERP) for each station and to maintain records of these measurements.³

3. In a *Notice of Proposed Rule Making (Notice)*, 8 FCC Rcd 2153 (1993), we proposed to amend Parts 80, 87 and 94 of our rules to extend the terms of aircraft and ship station licenses from five years to ten years. As we pointed out in the *Notice*, the Communications Act permits license terms up to ten years. Requiring that licenses be renewed

every five years increases the paperwork burden on the public who must fill out and submit the forms. A ten-year license term in these services eliminates unnecessary paperwork for the Commission as well as the public and thus would improve the efficiency of the Commission's license processing operations. The Aircraft Owners and Pilots Association (AOPA), an organization of owners and pilots of general aviation aircraft, supports this proposal, stating that the "current five year renewal requirement only generates unnecessary paperwork and expense for both aircraft owners and the Federal Communications Commission."⁴ Accordingly, we are extending the terms of ship and aircraft station licenses to ten years from initial issuance, major modification or renewal for applications received after the effective date of this *Report and Order*.

4. We also proposed in the *Notice* to eliminate the requirements contained in Section 94.85 of the Rules⁵ that licensees have to measure the carrier frequency tolerance, the power delivered by the transmitter to the antenna, and the ERP for stations in the Private Operational Fixed Microwave Service when the transmitter is initially installed or a change is made to the transmitter that could affect these values.⁶ The requirements for carrier frequency tolerance, power delivered to the antenna, and ERP are specified in the rules⁷ and in the station authorization. They must be adhered to at all times. There is little benefit to be had from requiring measurements at specified times, because the licensee is responsible for proper performance of its transmitters at all times. These measurements will not protect the licensee from Commission action if the licensee's transmitter is operating outside authorized limits, and it remains the responsibility of the licensee to ensure that its operating parameters remain within limits. In its comments, PacTel Paging "completely supports the Commission's [Notice]."⁸ As these requirements can be eliminated without any change to the responsibilities of licensees or any detriment to the public interest, we are eliminating them.

5. Finally, we proposed in the *Notice* to eliminate certain record keeping requirements for Private Operational Fixed Microwave Service licensees, contained in Sections 94.113(a),(b),(d),(e),(f) and (g) of the Rules.⁹ These sections require licensees to keep records of the measurements required by Section 94.85 (discussed in paragraph 4 above) and records of service or maintenance that may affect the proper operation of the transmitter.¹⁰

6. Again, PacTel Paging supports this proposal. We find these records to be of little use, as a licensee is subject to Commission action when its station exceeds the limits imposed by the rules and the terms of the station license, regardless of the controls employed or records kept. We are therefore eliminating these record keeping requirements. The remaining paragraph in Section 94.113 requires record keeping on antenna lighting.¹¹ As this is a matter of aviation safety, it is in the public interest to maintain these requirements.

¹ 47 C.F.R. §§ 80.25 and 87.27.9

² 47 U.S.C. § 307(c).

³ See 47 C.F.R. §§ 94.85 and 94.113.

⁴ Letter from Aircraft Owners and Pilots Association to the FCC (April 22, 1993). AOPA also suggests that, due to the reduction in excessive paperwork, we should reduce the \$35.00 application fee for aircraft station licenses. The \$35.00 application processing fee is set by Congress and, therefore, cannot be reduced by the Commission. See 47 U.S.C. § 158(g).

⁵ See 8 FCC Rcd. 2153 (1993).

⁶ 47 C.F.R. § 94.85.

⁷ See 47 C.F.R. §§ 94.67 and 94.73.

⁸ PacTel Paging, Comments of PacTel Paging at 1 (May 14, 1993).

⁹ See 8 FCC Rcd. 2153 (1993).

¹⁰ See 47 C.F.R. § 94.113.

¹¹ See 47 C.F.R. § 94.113(c).

III. CONCLUSION

7. Accordingly, we are amending Parts 80 and 87 of the Rules to extend the terms of ship and aircraft station licenses from five years to ten years. We are also amending Part 94 of the Rules to eliminate unnecessary measuring and record keeping requirements in the Private Operational Fixed Microwave Service. These actions will save time, effort and money for both licensees and the Commission, while having no negative impact on the public safety or efficiency of communications.

IV. FINAL REGULATORY ANALYSIS

8. Pursuant to the Regulatory Flexibility Act of 1980, the Commission's final analysis is as follows:

I. Need and purpose of this action:

This *Report and Order* reviews the terms of aircraft and ship station licenses and certain measurement and record keeping requirements in the Private Operational Fixed Microwave Service. Lengthening the license terms and eliminating some measurement and record keeping requirements will reduce time, money and effort spent by the public and the Commission without a negative regulatory impact.

II. Summary of the issues raised by the public comments in response to the Initial Regulatory Flexibility Analysis:

There were no comments submitted in response to the Initial Regulatory Flexibility Analysis.

III. Significant alternatives considered:

No significant alternative to this action was contained in the *Notice* or suggested by commenters. The action represents the best means to achieve the regulatory objective of minimizing the regulatory burden on the public.


V. ORDERING CLAUSES

9. Accordingly, IT IS ORDERED that pursuant to the authority contained in Sections 4(i), 303(r), and 307(c) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 303(r), 307(c), Parts 80, 87 and 94 of the Commission's Rules, 47 C.F.R. Parts 80, 87, 94, ARE AMENDED as set forth below.

10. IT IS FURTHER ORDERED that this *Report and Order* will be effective thirty days after publication in the Federal Register.

11. For further information contact Sean White, Private Radio Bureau, Special Services Division, Aviation & Marine Branch, telephone (202) 632-7175, mail stop 1700C2.

FEDERAL COMMUNICATIONS COMMISSION


William F. Caton
Acting Secretary

FINAL RULE

Part 80 of Title 47 of the Code of Federal Regulations is amended as follows:

PART 80 STATIONS IN THE MARITIME SERVICES

1. The authority citation for Part 80 continues to read as follows:

Authority: Sections 4, 303, 48 Stat. 1066, 1082, as amended; 47 U.S.C. 154, 303, unless otherwise noted. Interpret or apply 48 Stat. 1064-1068, 1081-1105, as amended; 47 U.S.C. 151-155, 301-609, 3 UST 3450, 3 UST 4726, 12 UST 2377.

2. Section 80.25 is amended by redesignating paragraphs (a) and (b) as (b) and (c), respectively, by adding new paragraph (a), and revising newly redesignated paragraph (b) to read as follows:

§ 80.25 License term.

(a) Licenses for ship stations in the maritime services will normally be issued for a term of ten years from the date of original issuance, major modification, or renewal.

(b) Licenses other than ship stations in the maritime services will normally be issued for a term of five years from the date of original issuance, major modification, or renewal.

* * * * *

Part 87 of Title 47 of the Code of Federal Regulations is amended as follows:

PART 87 AVIATION SERVICES

1. The authority citation for Part 87 continues to read as follows:

Authority: 48 Stat. 1066, 1082, as amended; 47 U.S.C. 154, 303, unless otherwise noted. Interpret or apply 48 Stat. 1064-1068, 1081-1105, as amended; 47 U.S.C. 151-156, 301-609.

2. Section 87.27 is amended by redesignating existing paragraphs (a) and (b) as (b) and (c), respectively, adding a new paragraph (a), and revising newly designated paragraph (b) to read as follows:

§ 87.27 License term.

(a) Licenses for aircraft stations will normally be issued for a term of ten years from the date of original issuance, major modification or renewal.

(b) Licenses other than aircraft stations in the aviation services will normally be issued for a term of five years from the date of original issuance, major modification, or renewal.

* * * * *

Part 94 of Title 47 of the Code of Federal Regulations is amended as follows:

Part 94 - Private operational-fixed microwave service

1. The authority citation for Part 94 is revised to read as follows:

Authority: Sections 4, 303, 48 Stat. 1066, 1082, as amended; 47 U.S.C. 154, 303, unless otherwise noted.

2. Section 94.85 is removed in its entirety.
3. Section 94.113 is revised to read as follows:

§ 94.113 Station records.

When a station in this service has an antenna structure which is required to be illuminated, appropriate entries in its station records (logs) shall be made as follows:

(a) The time the tower lights are turned on and off each day, if manually controlled.

(b) The time the daily check of proper operation of the tower lights was made, if an automatic alarm system is not employed.

(c) In the event of any observed or otherwise known failure of a tower light:

(1) Nature of such failure.

(2) Date and time the failure was observed or otherwise noted.

(3) Date, time, and nature of the adjustments, repairs, or replacements made.

(4) Identification of Flight Service Station (Federal Aviation Administration) notified of the failure of any code or rotating beacon light not corrected within 30 minutes, and the date and time such notice was given.

(5) Date and time notice was given to the Flight Service Station (Federal Aviation Administration) that the required illumination was resumed.

(d) Upon completion of the 3-month periodic inspection required by § 94.111(c):

(1) The date of the inspection and the condition of all tower lights and associated tower lighting control devices, indicators, and alarm systems.

(2) Any adjustments, replacements, or repairs made to insure compliance with the lighting requirements and the date such adjustments, replacements, or repairs were made.